

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Finance and Tax Committee

[2009s2430.hms]

BILL: CS/CS/CS/SB 2430 2nd Eng.

INTRODUCER: Policy & Steering Committee on Ways and Means; Finance and Tax; Judiciary; Senators Lawson and Gelber

SUBJECT: Documentary Stamp Tax. Extends a future repeal date of provisions authorizing Miami-Dade to levy a discretionary surtax on documents; Imposes the tax on certain transfers of a conduit entity; Provides a priority claim to tax revenue for certain existing bonds.

DATE: April 29, 2009

Amendments Contained in Message:

- House Amendment 1 – 806389** – (body)
- House Amendment 2 – 015873** – (body with title)
- House Amendment 3 – 935155** – (body with directory and title)
- House Amendment 4 – 444921** – (body with title)
- House Amendment 5 – 873989** – (body with title)

Summary of Amendments Contained in Message:

House Amendment 1 - Makes grammatical changes to language providing for the distribution of funds allocated for homeownership assistance that remain unspent, requiring them to be reallocated in subsequent years using the same formula as the original distribution. For example, the amendment substitutes “no less than 35 percent” for “at least 35 percent.”

House Amendment 2 - Clarifies language fixing the *Crescent* loophole.

House Amendment 3 - Deletes provisions that eliminate imposition of documentary sales tax on a “short sale.” These sales occur when a lender agrees to accept less than the amount of an outstanding mortgage indebtedness and allows the transfer of real property to a third party free of the lien.

House Amendment 4 - Deletes sections 8-11. Deletes an unnecessary reference change. Deletes authorization to issue \$50 million in Florida Forever bonds and \$50 million in Everglades Restoration bonds for FY 2009-10. Deletes associated appropriation of bond revenue, appropriations to the Department of Environmental Protection and other appropriations. Deletes language that provided a priority distribution of tax revenue to pay Florida Forever bonds, Preservation 2000 bonds and Everglades Restoration bonds that are authorized prior to January 1, 2010, when such a distribution is required to meet these bond obligations.

House Amendment 5 - Reinserts sec. 11 to provide for priority distributions of documentary stamp tax revenue for the benefit of Florida Forever bonds, Everglades Restoration bonds and Preservation 2000 bonds issued prior to July 1, 2009 (note date change), when required to meet these bond obligations.